

1 of guilt or innocence. It is merely a determination of
2 reasonableness or probable cause.

3 It isn't really that. It is in substance a
4 value judgment at this time; a formal determination of
5 probable cause, can be and usually is made at a later
6 date, when this individual appears before the judicial
7 officer.

8 At that time, he most likely will be represented
9 by counsel. At that time, he can make a representation as
10 to he innocence or his non-connection with the alleged
11 crime, or the argument that no crime has in fact occurred.

12 There is no way for the judicial officer under
13 the provisions, as I see it, in Section 5-B, to make this
14 value judgment. If he is obliged to release this individual
15 upon setting of a dollar figure; bail is not intended to
16 be a form of punishment. It is not intended to neces-
17 sarily be a form of protecting the public, although it
18 does work that way.

19 A judicial officer has to make this considera-
20 tion whether he does it consciously or not. It is a thing
21 that he must consider. He has to weigh to some extent